

MELANIE D. MORGAN, ESQ.
Nevada Bar No. 8215
JARED M. SECHRIST, ESQ.
Nevada Bar No. 10439
AKERMAN LLP
1635 Village Center Circle, Suite 200
Las Vegas, NV 89134
Telephone: (702) 634-5000
Facsimile: (702) 380-8572
Email: melanie.morgan@akerman.com
Email: jared.sechrist@akerman.com

*Attorneys for Bank of America, N.A., successor by
merger to BAC Home Loans Servicing, LP f/k/a
Countrywide Home Loans Servicing, LP*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

BANK OF AMERICA, N.A., successor by
merger to BAC HOME LOANS SERVICING, LP
FKA COUNTRYWIDE HOME LOANS
SERVICING, LP,

Plaintiff,

vs.

WESTTROP ASSOCIATION; T-SHACK, INC.;
NEVADA ASSOCIATION SERVICES, INC.,

Defendants.

Case No.: 2:16-cv-01451-KJD- DJA

**STIPULATION AND ORDER FOR LEAVE
TO FILE AMENDED COMPLAINT AND
ASSERT CLAIMS UNDER THE FEDERAL
FORECLOSURE BAR**

Plaintiff Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP (**BANA**), defendant Westtrop Association (**Westtrop**), and defendant T-Shack, Inc. (**T-Shack**) stipulate and agree as follows:

1. On June 21, 2016, BANA filed its complaint against Westtrop and T-Shack for quiet title/declaratory judgment, breach of NRS 116.1113, wrongful foreclosure and injunctive relief. [ECF No. 1].

2. On August 30, 2016, Westtrop filed its answer to the complaint. [ECF No. 18.]

3. On November 1, 2016, T-Shack filed its answer to the complaint. [ECF No. 23.]

4. On March 8, 2017, the Court entered a stay pending the final resolution of *Bourne Valley* and *Saticoy Bay* certiorari proceedings before the United States Supreme Court. [EFC No. 30.]

5. The United States Supreme Court proceedings in *Bourne Valley* has concluded.

6. The Nevada Supreme Court answered the certified question in case no. 72931 on August 2, 2018.

7. The Court entered an order lifting the stay on July 18, 2019. [ECF No. 38.]

8. The parties stipulate to allow BANA to file the amended complaint asserting claims under the Federal Foreclosure Bar attached here as Exhibit A within 14 days of the order granting this stipulation.

DATED: August 2, 2019.

AKERMAN LLP <u>/s/ Jared M. Sechrist</u> MELANIE D. MORGAN, ESQ. Nevada Bar No. 8215 JARED M. SECHRIST, ESQ. Nevada Bar. No. 10439 1635 Village Center Circle, Ste. 200 Las Vegas, Nevada 89134 <i>Attorneys for Bank of America, N.A., successor by merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing, LP</i>	BOYACK ORME & TAYLOR <u>/s/ Patrick A. Orme</u> EDWARD D. BOYACK, ESQ. Nevada Bar No. 5229 PATRICK A. ORME, ESQ. Nevada Bar No. 7853 7432 W Sahara Ave. Ste. 101 Las Vegas, NV 89117 <i>Attorneys for Westtrop Association</i>
AYON LAW <u>/s/ Luis Ayon</u> LUIS A. AYON, ESQ. Nevada Bar No. 9752 8716 Spanish Ridge Avenue, Ste. 115 Las Vegas, Nevada 89148 <i>Attorneys for T-Shack, Inc.</i>	

ORDER

IT IS SO ORDERED:



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE
2:16-CV-01451-KJD-DJA

DATED : August 13, 2019

LIST OF EXHIBITS

EXHIBIT A Amended Complaint